



CITY OF SAN JOSÉ, CALIFORNIA

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SAN JOSE ELECTIONS COMMISSION

Thomas Mertens, Chair
Fred deFuniak, Vice Chair
Steven C. Chell
Jang Badhesha

SAN JOSE ELECTIONS COMMISSION MEETING MINUTES

MAY 1, 2006

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:35 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Badhesha, Chell, deFuniak, and Chair Mertens

ABSENT: COMMISSIONERS One seat vacant

STAFF PRESENT: City Clerk Lee Price
Senior Deputy City Attorney Norm Sato
Assistant City Clerk Nancy Alford
Mayor's Budget & Policy Director Joe Guerra

II APPROVAL OF MINUTES

- A. Minutes of May 12, 2005
- B. Minutes of May 26, 2005
- C. Minutes of July 13, 2005
- D. Minutes of March 23, 2006¹

Documents Filed: 1) Minutes of May 12, 2005, 2) Minutes of May 26, 2006, and 3) Minutes of March 23, 2006.

Action: Upon motion by Commissioner deFuniak, seconded by Commissioner Chell, the Commission approved the Minutes of May 12, 2005, May 26, 2006, and March 23, 2006; and deferred the Minutes of July 13, 2005.

¹ Note: Represents a lapse in meeting history. Meeting Minutes for August 22, 2005 and September 7, 2005 are still pending review/approval.

III REPORT OF THE CHAIR

At the request of the Chair, City Clerk Lee Price provided an oral update on the recruitment of a new Commission Member to fill the vacant unexpired term. She noted that the City Council was scheduled to interview one applicant at their meeting on May 16, 2006.

IV PUBLIC HEARINGS

There were none.

V DISCUSSION ITEMS

- A. Report, Recommendations and Discussion about the Commission Subcommittee (Commissioners Chell and deFuniak) review of the City's Current Lobbyist Ordinance – Ordinance No. 27667

Documents Filed: Memorandum from Subcommittee Members dated May 1, 2006 summarizing recommendations for potential amendments to the lobbying ordinance relating to contribution reporting requirements and definitions of lobbyists.

Commissioners Chell and deFuniak presented their report and responded to questions about the recommendations. Senior Deputy City Attorney Sato requested additional time to review the recommendations.

Action: Upon motion by Commissioner Chell, seconded by Commissioner deFuniak, the Commission Subcommittee was directed to meet with the Attorney to develop a formal recommendation for an ordinance amendment to be considered by the Commission at its next meeting.

- B. Other Recommendations concerning the Current Lobbyist Ordinance

Documents Filed: Excerpts for the Political Reform Act, FPPC Website and Westlaw citation relating to contributions by an intermediary or agent.

Senior Deputy City Attorney Sato responded to questions from the Commission.

Action: Upon motion by Commissioner Chell, seconded by Commissioner deFuniak, the Commission Subcommittee was directed to add this item to the agenda for the Subcommittee meeting with the Attorney to get clarification and advice on next steps, as it relates to packaging a recommendation for Commission review and consideration.

- C. Discussion of City Council direction to the Election Commission regarding Voter-Owned Campaigns and Development of Needs, Workplan and Timeline.

Documents filed: Research and Information Shared by the Mayor's Office about Voter-Owned Campaigns: 1) City Council Memorandum dated March 23, 2006; 2) Information provided to the Rules Committee April 4, 2006; 3) Information and Articles shared at the Mayor's Press Release; and 4) "Funding our own Democracy: A study of the effects of Public Funding on Minority Candidates and Voters" – referenced at the 4/18/06 Council Meeting.

Action: Upon motion by Commissioner deFuniak, seconded by Commissioner Badhesha, the Commission formally accepted the City Council recommendation to review legal and procedural issues regarding a proposal for public financing of city council and mayoral campaigns in San José.

Chair Mertens suggested that August 2006 is an unrealistic goal to meet. He reported that he met with Senior Deputy City Attorney Sato and Alex Stuart, a local attorney and former, charter member of the Elections Commission. He proposed that the Commission consider a timeline and a workplan; and further recommended that Mr. Stuart be hired to facilitate the Commission as it begins its work. Mayor's Budget & Policy Director Joe Guerra responded to questions from the Commission about the Mayor's concept and about a proposed budget. Discussion ensued.

Action: Upon motion by Commissioner Chell, seconded by Commissioner deFuniak, the Commission moved to direct staff to put forward a request to the City Council for an allocation of \$50,000.

Action: Upon motion by Commissioner Chell, seconded by Commissioner Badhesha, the Commission recommended that the City engage the services of Alex Stuart as a consultant to facilitate the preliminary planning session and the development of the workplan.

Action: Upon motion by Commissioner Chell, seconded by Commissioner deFuniak, the Commission authorized Chair Mertens, on behalf of the Commission, to work with the Attorney to draft the report to the City Council recommending the budget and consultant services.

VI MEETING SCHEDULE

The Commission tentatively agreed to meet again on May 15, May 17, or May 18 and requested that the City Clerk coordinate and confirm the next meeting date/time.

VII PUBLIC COMMENTS

None.

VIII ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION